

ACP Group Statements

General Council Meeting-

23 to 24 February 2022

Agenda Item 5- TWELFTH SESSION OF THE MINISTERIAL CONFERENCE – STATEMENT BY THE CHAIR

Thank you, Chair.

The ACP Group notes the update on the date and venue for MC12.

We thank the Government of the Swiss Confederation for their offer to host MC12 in Geneva. We also thank the Government of Kazakhstan for offering to Chair the Conference.

Chair,

It is important that we adhere to the principles envisioned by the Marrakesh Agreement that requires a Ministerial Conference at least once every two years. We are in need of political guidance from Ministers to tackle some of the more difficult issues and to pronounce on the path forward, especially in light of the fact that we have not had a Ministerial Declaration since 2015 and Ministers have not had an opportunity to meet at a Conference since 2017.

There is a preference for the week of 13 June although this is subject to further consultations with capitals. This option provides additional time to prepare for the Conference and for us to present a good package for MC12. The second option also prevents conflicts with other major meetings expected to be held in Geneva, including the International Labour Conference. As small delegations that cover both UN agencies and the WTO, it is extremely difficult to have two Ministers in Geneva covering separate issues simultaneously. This option also provides us with more flexibility in terms of additional time for Ministers to undertake their work in Geneva.

It is of utmost importance that we not only focus on ensuring that MC12 is successful, but also ensuring that our Ministers are presented with tangible proposals for adoption in critical areas of the WTO's work.

Ministers should not be placed in a position to negotiate intensively in Geneva as we know, from history, that this option is usually unproductive. Hence, we will have to prepare the ground as much as possible ahead of the Ministerial Conference.

Chair,

The ACP Group will remain active and constructive in the MC12 preparatory process to ensure successful outcomes at MC12.

I thank you Chair.

Agenda Item 6- WTO RESPONSE TO THE PANDEMIC – REPORT BY THE CHAIR

Thank you, Chair,

The ACP Group wishes to thank you for your report on WTO's response to the impact of the COVID-19 pandemic. A conclusion of these discussions is long overdue.

The ACP Group will continue to support this process. The report suggests that we have made progress with our work, and the Group wishes to commend all delegations on their collaborative spirit and their flexibility.

We extend our thanks to the former Facilitator for his contribution in the drafting of JOB/GC/281.

The ACP Group is still studying the document and interacting with other delegations on its content. At the same time, we genuinely see document 281 as an improvement to earlier versions. It can form the basis for further work in this area. There is, however, much room for improvements. These are substantive, editorial and legal in nature. We have begun contributing to this objective, even during the strategic pause, and will continue to do so.

We believe that the document can be improved to place more emphasis on the importance of food security in the WTO's COVID response initiative. The pandemic has induced impediments that limit access to affordable food for our populations, in respect of which the WTO has a critical role to play. The ACP Group tabled a submission in JOB/AG/218, which we believe sets out the key issues in this regard.

We would want to see more work done on the issues pertaining to economic recovery such as scaling up manufacturing capacity in developing countries and LDCs in respect of items required to contain and prevent the spread of the virus, and to address its impacts. It is important that our work here is effective in dealing with the issue of inequity in the availability of these items. More work is, therefore, needed in areas such as technology transfer, multilateral collaboration as well as technical assistance and capacity building.

We also need to improve the dimension of our work that seeks to address challenges resulting in supply chain bottlenecks.

We welcome the improvements in the area of services in document 281 as this sector is a key cornerstone to many of our economies. We recognize that some elements are found in the draft similar to certain elements in ACP submission JOB/SERV/305.

We take note of reports that discussions are progressing on finding a mutually acceptable outcome on the TRIPS dimension of the WTO's COVID response, including the TRIPS waiver proposal, a critical aspect, and other IP related issues.

For us, the WTO has an important role to play in complementing the work of international organisations and other stakeholders in respect of responding to the impact of the pandemic from a health, stabilisation, recovery and sustainable rebuilding perspective.

Going forward, the process should be inclusive and transparent and all small group processes should be open to interested delegations. The ACP Group is requesting that we be included in sub-plenary activities aimed at arriving at a final outcome on the WTO's response to the pandemic.

We have confidence in your ability to lead preparatory work under this initiative in your personal capacity, which we believe would ensure continuity and expeditious resolution.

We expect that the facilitator process will not only focus on stabilise, recover and rebuild, but also leaves us with a blue-print as it relates to how we respond to future international crises.

We urge patience from the membership as we work towards arriving at an outcome on this file that is balance, effective, acceptable and meets the expectations of all members.

We do anticipate that engagements among Ministers on this issue should provide the necessary political guidance to concretise our efforts in Geneva. For this to happen, however, the onus is on us, Ambassadors, to make the necessary preparation so that solid, relevant and appropriate recommendations can be put to our Ministers to facilitate appropriate guidance and eventual adoption.

In closing, Chair, we affirm our commitment to contributing to the process with a view to facilitate its early and successful conclusion.

I thank you, Chair.

Agenda Item 7(a)- TRIPS COUNCIL MATTERS A. STATUS REPORT ON THE CONSIDERATIONS BY THE TRIPS COUNCIL ON THE REVISED "PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19" (IP/C/W/669/REV.1) – STATEMENT BY THE CHAIR OF THE COUNCIL FOR TRIPS

Thank you Chair,

The ACP Group wishes to thank the Chair of the TRIPS Council for his report. The Group is happy to hear that engagements on the proposal are positive. We look forward to parties arriving at a landing zone for the TRIPS Waiver proposal as soon as possible.

An agreement on a waiver that accommodates the interests and addresses the concerns of all WTO members is an important component of global efforts to address the pressing issue of inadequate and lack of access to vaccines and other items for the prevention, containment and treatment of COVID-19, particularly in developing countries and LDCs. Vaccination is a critical component of members' covid response, hence we wish to pursue mutually acceptable initiatives that enhances accessibility with quality assurances, both in terms of quantity and affordable pricing.

The ACP Group reiterates its endorsement of the genuine public health objectives of the proposal and will support proponents in their bid to contribute to international initiatives to ensure that our people have affordable access to medicines, vaccines and other items required to prevent, treat and contain the virus.

The ACP Group again thanks the co-sponsors for their hard work and takes this opportunity to invite other members to continue their constructive engagements and in a collaborative manner with a view to finding a landing zone that works for all members.

The health and lives of people should always be our priority and the ACP Group is confident that WTO members are capable of delivering for and on behalf of our people in these most difficult times.

I thank you, Chair

Agenda Item 9- TRADE RELATED CHALLENGES OF THE LEAST DEVELOPED COUNTRIES AND WAY FORWARD: A DRAFT FOR MC DECISION – COMMUNICATIONS FROM CHAD ON BEHALF OF THE LDC GROUP (WT/GC/W/806/REV.1, WT/GC/W/807)

Thank you, Chair,

The ACP Group thanks the Ambassador of Chad for his comprehensive statement. We continue to pledge our full support for this important submission on behalf of the LDC Group. We are particularly pleased with the level of flexibility and constructiveness shown by the LDCs Group in the process.

We commend the approach which is being taken to further the interests of LDCs and graduated LDCs within the WTO and in the global trading system, especially in light of the impact of the COVID-19 pandemic which will have a lasting impact on these members. The vulnerability of these countries to external shocks is real and should always be taken into account by the WTO.

Graduation is never automatically accompanied by favourable conditions. Hence, we should not expect that LDCs will be at a point where they can relinquish LDCs flexibilities immediately after graduation. A transition period is of utmost importance to graduating LDCs and we believe the proposed transition period in the submission is reasonable to allow these members to face the significant trade and development challenges post-graduation.

The ACP Group can relate to the vulnerabilities of LDCs which the Covid-19 pandemic has exposed and exacerbated. Our systems are fragile and it only takes a global crisis of any magnitude to inflict irreparable damage to our economies, lives and livelihood. LDCs were already grappling to be fully integrated into the global trade system and the pandemic is unravelling all the strides that have been made over decades of work.

Chair,

The ACP Group supports the LDCs Group's submission. We look forward to further productive engagement on the matter in order to support LDCs, including graduating LDCs, in their developmental aspirations and their efforts to integrate into the multilateral trading system.

We can put Ministers in a comfortable position to approve this decision.

I thank you, Chair.

Agenda Item 11- WORK PROGRAMME ON ELECTRONIC COMMERCE AND MORATORIUM ON IMPOSING CUSTOMS DUTIES ON ELECTRONIC TRANSMISSIONS – REQUEST FROM INDIA AND SOUTH AFRICA

Thank you, Chair!

I am delivering this statement on behalf of the ACP Group.

The ACP Group wishes to thank India and South Africa for placing this item on the agenda of this meeting and thanks them for their statements.

Chair,

We have consistently reiterated that the 1998 E-commerce Work Programme is a critical aspect of the WTO's regular work and an essential fixture on the General Council's agenda.

We maintain that the WTO must deepen its engagement and understanding of the question of the customs duties moratorium, and these discussions must go beyond the moratorium and include other pertinent issues, such as, the extent of coverage of digital or internal taxes.

We are concerned that by MC12, we will again face the expiry of the moratorium should we fail to have a fulsome discussion on the scope, definition and impact of the moratorium on customs duties on electronic transmissions. Notwithstanding strides in the area of ICT, we continue to face a significant digital divide within and among countries. This issue must be addressed with urgency. This emphasises the need for the structured discussions on the Ecommerce Work Programme and its renewal at MC12.

In studying the moratorium, we recognized that some of the other areas of interest to our countries include the costs to developing country and LDC consumers and businesses, discrepancies between traditional goods or products and electronic equivalents, and the application of internal taxes on electronic transmission.

It is important that the work programme is prioritized as it encompasses an agreed workstream which will result in balanced outcomes in the context of e-commerce.

We still think it will be important to take a pragmatic approach to discussing within the context of the existing 1998 work programme, the issues of source code, localization and the impact on data flows, as well as consumer protection.

The ACP Group will play our part in ensuring that the Work Programme continues to remain relevant and address issues of social and economic interest to our countries. We suggest, again, that the General Council take up a series of issues that are of a crosscutting nature, for example source code, localization and data protection along with the question of the moratorium and its impact on both consumers and businesses. The discussion might be organized in informal mode or in dedicated sessions.

The ACP Group stands ready to engage with you and Members in all formats.

I thank you, Chair!

Agenda Item 13: PROPOSED SANITARY AND PHYTOSANITARY DECLARATION FOR THE TWELFTH WTO MINISTERIAL CONFERENCE: RESPONDING TO MODERN SPS CHALLENGES – THE AFRICAN GROUP; ACP GROUP; ARGENTINA; AUSTRALIA; BELIZE; BRAZIL; BURKINA FASO; CABO VERDE; CANADA; CHILE; COLOMBIA; COSTA RICA; CÔTE D'IVOIRE; DOMINICAN REPUBLIC; ECUADOR; EL SALVADOR; THE GAMBIA; GUATEMALA; HONDURAS; JAPAN; MEXICO; NEW ZEALAND; PANAMA; PARAGUAY; PERU; SENEGAL; SINGAPORE; TAJIKISTAN; TOGO; THE UNITED STATES; UKRAINE; URUGUAY AND VIET NAM (WT/GC/W/835/REV.1 - G/SPS/GEN/1758/REV.10)

Thank you, Chair,

The ACP Group aligns itself with the statement delivered on behalf of co-sponsors.

The ACP Group is of the view that addressing the impact of non-tariff barriers is critical for enhancing developing countries' trade in agricultural products. It is important, therefore, that we deepen our understanding of the SPS Agreement and work together to address issues arising from its implementation.

We also see this declaration, if adopted, allowing for greater collaboration in support of developing countries and LDCs in their efforts to enhance their integration in global trade. Technical assistance and capacity building is crucial in this regard. So, too, is the WTO's collaboration with other international organisations engaged in setting SPS standards.

We look forward to more members joining the list of co-sponsors

Chair, in concluding, the ACP Group acknowledges the work invested in preparing this text and encourages other member states to constructively consider its adoption as a part of the MC12 package.

Thank you, Chair.

Agenda Item 14 : STRENGTHENING THE WTO TO PROMOTE DEVELOPMENT AND INCLUSIVITY – COMMUNICATION FROM THE AFRICAN GROUP; CUBA AND INDIA (WT/GC/W/778/REV.4)

Thank you, Chair

We thank the co-sponsors for their consistency in bringing these critical issues to the fore of the WTO. The submission sheds light on the myriad of issues confronting developing countries and that would have to be a part of our discussions on the future of S&DT and WTO reform.

We already have a number of papers on the table giving various perspectives on WTO reform and S&DT and more is being prepared. In fact, the ACP Group recently had an enriching reflection on the issue of WTO Reform, from which we are working on a paper on reform.

Reform should not be handled in exclusive groups that lack representativity. Reform should be guided by the unique circumstances of members of the WTO and in that connection, the agenda should be sufficiently accommodative of issues of interest to developing countries. Previous Ministerial Decisions should help to form the reform discussions.

Development, industrial transformation and increased participation in global trade should be at the heart of the Reform agenda. The agenda setting and the process should be inclusive and transparent. We should ensure that the reform process does not lead to a fragmentation of the system or negatively affect the policy space or interest of developing countries in the WTO. Hence, we should make multilateralism the focus of our work.

We have to bear in mind the importance of a speedy and orderly recovery from the COVID pandemic and to ensure that trade rules assist in building our resilience to future similar crises. Thus, Reform will have to be broad based. We need to have a structure and scope for WTO Reform with an appropriate sequencing of issues. Perhaps trying to identify those issues which can be resolved by binding rule making versus those that could be addressed otherwise could be part of our approach to discussing reform.

Undertaking reform also requires an accountable WTO. In this regard, we should start to look at periodically reviewing the implementation of agreements negotiated in the WTO to ensure that they are having their intended impact. So far, we are focusing mainly on review of members' trade policy, which does not accomplish this objective.

Reform should also involve the Secretariat's operations, for example, getting regional balance and equity in the secretariat's leadership and ensuring that the Secretariat is fit for purpose.

We need to resolve the impasse within the Appellate Body given the importance of predictability.

Chair, the WTO can only be sustainable if the needs of its all its members are taken into account. We have to pursue a respect of the WTO rules, the need to integrate developing countries and LDCs into global trade, inclusivity in rule-making, transparency and, importantly, a willingness of members to be flexible in the midst of various circumstances.

The ACP Group stands ready to play a constructive and productive role in the discussions on reform and we urge other members to do so.

I thank you, Chair.

Agenda Item 16- ELECTION OF CHAIRPERSON

Thank you, Chair.

The ACP Group extends its congratulation to you on your assumption as Chair of the General Council. We believe your leadership will build on the successes of your predecessors. We are familiar with your work and believe that you are capable of making a tangible impact on the WTO. We are comfortable that you will be managing our work professionally and with decorum. You will have our support during your tenure.

The ACP Group also takes this opportunity to commend Ambassador Castillo for his hard work, dedication, pragmatism and creativity during his tenure as Chair of the General Council. He served us well and we are particularly pleased with his management of the preparation for MC12 last year, including the negotiation of the outcome document.

We wish him well as he takes on his next endeavours. We hope he will be able to lend your skills to the various areas of our work here at the WTO.

Thank you, Chair.